2021 Trafficking in Persons Report: Tajikistan

TAJIKISTAN: Tier 2

The Government of Tajikistan does not fully meet the minimum standards for the elimination of trafficking, but it is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Tajikistan remained on Tier 2. These efforts included achieving a significant increase in trafficking convictions; providing shelter to more victims than the previous year; and continuing to conduct and participate in training sessions on legislation, investigative methods, and victim identification. However, the government did not meet the minimum standards in several key areas. The government did not approve standard operating procedures (SOPs) for the national referral mechanism (NRM) for the third consecutive year, constraining victim identification and interagency anti-trafficking coordination. Despite allegations of possible official complicity in some localities, the government did not report any criminal investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses.

PRIORITIZED RECOMMENDATIONS:

Adopt and implement standard operating procedures for identifying trafficking victims and referring them to care. • Train law enforcement to screen for signs of trafficking among vulnerable groups, including adults in commercial sex, LGBTQI+ individuals, foreign and returned Tajikistani migrant workers, Tajikistani nationals employed in local Chinese enterprises, and children and adults working in the cotton sector. • Ensure victims are not penalized for unlawful acts traffickers compelled them to commit. • While respecting due process, vigorously investigate and prosecute suspected traffickers, including officials complicit in trafficking, and sentence and incarcerate convicted traffickers with significant prison terms. • Continue to contribute funding and in-kind support to provide comprehensive care to victims and expand available protection services for male victims. • Increase oversight of provincial and local authorities' seasonal labor recruitment processes to ensure no adults or children are subjected to forced labor in the cotton harvest and hold those in violation

criminally accountable. • In partnership with international organizations, conduct screening among women and children returned from Iraq, Syria, and Afghanistan for trafficking and child soldiering indicators, respectively, and provide them with rehabilitation and reintegration support. • Improve the collection of anti-trafficking law enforcement data and statistics on labor migration trends. • Increase awareness of pre-departure and post-return support services available to Tajikistani migrant workers. • Provide anti-trafficking training or guidance for diplomatic personnel and other government employees, including law enforcement officers, border guards, and customs officials, to prevent their engagement in or facilitation of trafficking crimes and to increase their capacity to identify and assist victims. • Monitor private employment agencies for recruitment fees charged to workers and take steps to eliminate employee-paid fees.

PROSECUTION

The government increased anti-trafficking law enforcement efforts. Article 130.1 and Article 167 of the criminal code criminalized labor trafficking and sex trafficking and prescribed penalties of five to eight years' imprisonment, which were sufficiently stringent and, with regard to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. Article 167 defined child trafficking broadly to include illegal adoption without the purpose of exploitation; as such it was difficult to ascertain how many cases investigated, prosecuted, and convicted under Article 167 featured elements consistent with the standard definition of trafficking.

Redirection of government resources for pandemic mitigation constrained anti-trafficking law enforcement efforts. The government investigated 10 trafficking cases involving 21 suspected perpetrators in 2020, compared with 19 cases involving 32 suspected traffickers in 2019. The government did not provide updated information on an investigation initiated in 2017 into four private employment agencies suspected of facilitating the trafficking of Tajikistani victims in Saudi Arabia, nor on the investigation of a suspected Tajikistani trafficker allegedly residing in Germany initiated in a prior reporting period. The government prosecuted 14 trafficking cases involving 26 defendants in 2020, compared with 20 cases involving 35 defendants in 2019. Courts convicted all 26 individuals—a significant increase from four convictions in 2019; the government did not provide

sentencing data for these convictions, compared with four traffickers receiving reduced sentences of two years' probation each in 2019.

Corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action during the year. Some state employees may have been subjected to forced labor as part of provincial authorities' efforts to increase participation in the annual cotton harvest, although no information was available on compensation, methods of recruitment, or consequences for inability or unwillingness to participate. Although authorities opened a criminal case into a senior military official for exacting bribes in exchange for exempting an individual from mandatory military service — an arrangement under which failure to pay has often resulted in kidnapping and forcible conscription— the government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses. The Ministry of Internal Affairs (MIA) continued to conduct training on human trafficking for cadets as part of its training academy curriculum. State university law students received training on trafficking legislation and investigative techniques as part of a government-mandated curriculum. The government also cooperated with an international organization to train judicial officials on methods for successfully prosecuting trafficking cases in criminal courts. Tajikistan maintained a joint law enforcement agreement with the Commonwealth of Independent States that included anti-trafficking provisions, but authorities did not report information on whether the agreement was implemented in 2020.

PROTECTION

The government maintained protection efforts. Tajikistan continued to operate under an NRM that included formal written procedures outlining some screening, referral, and assistance protocols, but these were generally insufficient to guide interagency anti-trafficking work. In 2018, the government established a working group to append the NRM with SOPs for victim identification; for the third consecutive year, authorities did not take action to adopt these guidelines. Authorities identified 24 trafficking victims during the reporting period, compared with 53 in 2019, and referred 15 to protection services (unreported in 2019). The government did not provide additional information on the victims' nationalities, genders, ages, locations, or types of exploitation. Article 30 of the trafficking law mandated the creation of governmental and private institutions to directly aid victims

with food and shelter in addition to social, legal, and reintegration assistance; despite these provisions, an international organization continued to fund most victim protection services. A 2014 victim protection law ostensibly formalized the roles of agencies tasked with providing services and established standards for service delivery among government and NGO providers. However, absent standardized and promulgated victim identification procedures, roles and responsibilities among key stakeholder ministries remained unclear. In practice, observers noted official victim status designation required a complex application procedure that may have prevented some victims from accessing care. The government's Trafficking in Persons Center continued to train law enforcement and other government employees on screening for trafficking indicators, and some government officials benefited from additional training sessions on victim support provided by an international organization. Gaps remained in the implementation of victim protection law; Tajikistani law enforcement agencies did not develop procedures to grant legal status to victims, forcing some victims to pay for legal and medical services otherwise provided by the government. Civil society observers noted Tajikistan's diplomatic presence in key labor migrant destination countries—most notably in Russia—were poorly equipped to identify and assist Tajikistani trafficking victims and other vulnerable migrants stranded due to pandemic-related travel restrictions.

In January 2021, the Ministry of Health assumed managerial control over the country's sole dedicated trafficking shelter, which formerly was run by an NGO. The government provided 253,670 Tajikistani somoni ($22,400) for the shelter's operating costs, medical assistance for victims, legal consultations, and partial funding of staff salaries in 2020; this allocation was renewed to the amount of 250,000 somoni ($22,080) in 2021, an increase compared with 242,000 somoni ($21,370) in 2019. The shelter assisted 28 victims in 2020, compared with 20 in 2019; all residents were female. The government did not report if the shelter could accommodate male victims. Neither the government nor NGOs provided residential shelter services outside of Dushanbe, and there were no options for longer-term victim support. Insufficient human and financial resources reportedly constrained delivery of psycho-social care and funding for victim reintegration services, respectively.

Despite provisions in the 2014 law outlining security measures for trafficking victims, the government did not keep victims' personal information confidential or provide protection for victim witnesses or their advocates. Foreign victims agreeing to cooperate with law enforcement agencies

had the legal right to request temporary residency, subject to a one-year extension upon completion of criminal proceedings against their traffickers; no such cases were reported in 2020 (no cases in 2019). Beyond residency, the 2014 victim protection law did not link other benefits to victims' participation in trials, and protection services were available regardless of legal status or prior consent to participate in subsequently identified trafficking crimes.

In February 2021, the government announced plans to repatriate hundreds of Tajikistani women and children from camps in Syria, some of whom may have been trafficking victims, in continuation of a 2019 process that was subsequently suspended in 2020 as a pandemic mitigation measure. However, the government did not report if it had initiated any of these repatriations at the close of the reporting period. The government kept 84 children returned from Iraq in 2019 in state custody, allegedly as a public health precaution; international organizations were only able to assess the living conditions of 25 of these children, and the government did not report previously conducting or planning to implement victim screening or referral procedures among them or forthcoming adult returnees. At the government's request, an international organization assisted in the return of more than 200 Tajikistani nationals formerly stranded elsewhere in Central Asia due to pandemic-related border closures. This figure represented a small fraction of the 10,000 migrant workers estimated to have returned to Tajikistan as a result of the pandemic in 2020, and authorities reportedly did not have sufficient resources to screen any of these returnees for trafficking indicators or refer them to protection services.

Amendments to Tajikistan's administrative code in 2019 increased the penalties for individuals engaged in commercial sex to include fines and a maximum detention period of 15 days; absent robust identification practices, authorities may have penalized some unidentified victims for unlawful acts their traffickers forced them to commit. Officials sometimes temporarily detained sex trafficking victims with their traffickers but later released and referred them to protective care. In previous years, law enforcement officials routinely deported foreign migrant workers without adequate screening for potential trafficking indicators; with the closure of international borders as a pandemic mitigation measure, no information was available on such deportations in 2020. Law enforcement officers did not attempt to identify sex trafficking victims proactively during raids on businesses suspected of engaging in commercial sex, nor within sectors known for forced labor.

PREVENTION

The government maintained efforts to prevent trafficking. The 2014 law outlined a framework for the government to address human trafficking and established a national anti-trafficking commission tasked with coordinating the government's anti-trafficking efforts. The commission maintained a National Action Plan (NAP) for Counteracting Trafficking in Persons for 2019-2021 and reportedly began developing a 2022-2025 plan in conjunction with an international organization at year's end. Civil society organizations worked with trafficking victims to contribute to the 2019-2021 NAP, and the government tasked state ministries to provide implementation updates every six months; however, authorities did not report whether these meetings took place amid pandemic mitigation measures. The government operated a 24-hour hotline for potential victims but did not provide information on how many calls led to the identification of trafficking cases in 2020, compared with 19 in 2019. Authorities referred all cases identified through the hotline to an international organization. As a result of pandemic mitigation policies, the government did not conduct any awareness-raising campaigns, but some local authorities participated in NGO awareness-raising activities in several areas of the country. The government continued to conduct anti-trafficking courses for officials, school administrators, and law students.

Limited media accounts indicated local government officials in at least one locality may have required some state employees to participate in the annual cotton harvest during the reporting period, but no further information was available on the presence of forced labor indicators. Unlike in previous years, authorities did not report whether the Ministry of Education disseminated letters to local governments highlighting prohibitions against the use of child labor in the annual cotton harvest. These prior government-funded campaigns targeted potential victims, local officials responsible for preventing trafficking, and school authorities who had previously mobilized children in the cotton harvest. MIA officials instructed local authorities to report incidents of forced or child labor, but no such reports were issued in 2020. It was unclear if the government assigned inspectors to conduct monitoring for child labor in the cotton harvest in continuation of a practice begun in 2010. During previous harvests, NGOs independently monitored the fields on an informal basis for forced labor concerns; no information was available on the extent to which this monitoring took place amid pandemic mitigation measures. The Ministry of Labor (MOL) invited an international

organization to conduct independent inspections during the 2020 cotton harvest season, but these inspections did not occur due to insufficient funding.

The closure of international borders as a pandemic mitigation measure led to a 76 percent decrease in the number of Tajikistani nationals traveling abroad for work. However, endemic corruption continued to contribute to the illicit movement of persons across international borders; limited accounts indicate some officials reportedly accepted bribes to allow foreign nationals to enter and exit the country despite these restrictions. Entities engaged in the recruitment of workers for employment abroad were legally required to obtain licenses from migration authorities, and the law established punitive measures for violations; however, Tajikistan did not monitor for the imposition of worker-paid recruitment fees. The government did not report initiating investigations into labor recruitment firms suspected of trafficking, nor did it provide information on the status or outcomes of four such investigations initiated in 2019. The MOL maintained four pre-departure counseling centers in different regions of the country that provided migrants with information on the risk of trafficking prior to travel abroad. However, observers noted incomplete and disparate data collection on migration among key stakeholder agencies, poor interagency coordination, and deficient cooperation with destination country counterpart entities continued to constrain effective prevention measures among vulnerable labor migrants. A survey conducted by a civil society organization found only 10 percent of Tajikistani migrant workers were aware of support services available to them. In previous years, the pre-departure centers sought to assist migrant workers in diversifying geographical options for work abroad; it was unlikely this work continued in 2020 due to pandemic mitigation measures restricting international travel. The government continued to implement a road map for reintegrating returning migrants banned from re-entering Russia but did not maintain or provide updated information on how many individuals were eligible for this program, nor did it maintain updated statistics on the total number of Tajikistani nationals living and working abroad. Authorities at times were reportedly uncooperative with foreign donor organizations implementing programs to prevent trafficking among vulnerable migrant populations. Tajikistan maintained international labor agreements with Qatar and the United Arab Emirates (UAE).

The government continued to identify and grant residency to members of Tajikistan's vulnerable stateless population, which consisted primarily of former Soviet citizens, in accordance with an

amnesty law that benefitted 20,000 individuals in 2019. In 2020, authorities identified and registered 693 individuals under this program; 44 among them received residence permits (unreported in 2019). The government also worked with an international organization to register nearly 3,500 persons of unknown national origin, and it confirmed the nationality of over 4,000 Tajikistanis at risk of becoming stateless. The government did not report anti-trafficking training for its diplomatic personnel. The government made no efforts to reduce the demand for commercial sex acts.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit victims from Tajikistan abroad and, to a lesser extent, traffickers exploit domestic and foreign victims within Tajikistan. Extensive economic migration exposes Tajikistani men, women, and children to the risk of human trafficking. Labor traffickers exploit Tajikistani men and women in agriculture and construction primarily in Russia, UAE, Kazakhstan, and Saudi Arabia, as well as in other neighboring Central Asian countries, Turkey, and Afghanistan. Labor traffickers exploit men in agriculture, construction, and at markets in Tajikistan; there are limited reports of domestic sex trafficking of men. Sex traffickers exploit women and children from Tajikistan most commonly in Turkey, UAE, and Russia, and also in Saudi Arabia, Kazakhstan, Georgia, India, and Afghanistan, as well as within Tajikistan.

International organizations estimate there are nearly one million Tajikistani nationals living and working in Russia, primarily employed in construction, agriculture, industry, domestic work, and transport; thousands of men, women, and children among them are vulnerable to forced labor. Women traveling with their husbands abroad for this work are also reportedly at elevated risk of sex trafficking and other forms of exploitation. Widespread unemployment and economic hardship among Tajikistani migrant workers in Russia and Kazakhstan following the closure of businesses and work sites during the pandemic have led to a significant drop in earned income and remittance transfers, leaving these migrant workers and their families in Tajikistan more vulnerable to trafficking. Fearing a ban from reentry into Russia if detected, some unemployed Tajikistani migrant workers remained in Russia under irregular immigration status rather than returning home; traffickers are then able to leverage threats of deportation as a coercive tool to secure and retain their forced labor or to compel them into sex trafficking. Some men among the approximately 2,000 Tajikistanis

who have traveled to Syria, Iraq, and Afghanistan to fight alongside or seek employment within armed groups are subsequently subjected to forced labor in cooking, cleaning, and portering. Tajikistani women and children traveling with these men, at times under deception, are also vulnerable to sex trafficking and forced labor on arrival; some are reportedly placed alongside other Central Asian family members in makeshift camp communities, where their travel and identity documentation is confiscated and their freedom of movement is restricted. Many of these women report having lost their husbands to armed conflict, after which their economic hardships and confinement in the camps make them vulnerable to coercive local marriages that may feature corollary sex trafficking or forced labor indicators. Some women who have traveled to Syria or Iraq with promises of marriage have instead been sold into sexual slavery. Some children of Tajikistani ISIS combatants in Iraq and Syria are reportedly trained for deployment in combatant roles. Traffickers transport Tajikistani women and girls to Afghanistan and force them into marriages that feature elements of sex trafficking and forced domestic service, including through debt-based coercion. Traffickers exploit Tajikistani children in sex trafficking and forced labor, including forced begging, in Tajikistan and Afghanistan.

Some Tajikistani migrant workers in Russia and Kazakhstan abandon their families, compounding financial hardships among women and their children and thereby increasing their vulnerability to traffickers within Tajikistan. Accordingly, children left at home unaccompanied for long periods of time while their mothers seek supplementary employment are at increasingly high risk of sex trafficking. As of 2020, 257,000 Tajikistani migrant workers were banned from reentering Russia as a result of alleged immigration violations; these individuals are vulnerable to trafficking due to unemployment and economic hardships. Tajikistani women evicted after suffering intimate partner violence—which has reportedly increased amid in-home quarantine measures and a significant decrease in the number of Tajikistani men able to work abroad during the pandemic—are also at higher risk of sex trafficking.

Tajikistani children and adults may have been subjected to forced labor in agriculture—mainly during Tajikistan's fall cotton harvest—and in dried fruit production. Some boys, particularly from economically disadvantaged rural communities, are vulnerable to kidnapping by government personnel for the purpose of forcible conscription into military service as part of annual "*oblava*"

recruitment sweeps. The government reportedly subjects some citizens to participate in manual labor, such as cleaning roads and park maintenance. Tajikistani nationals employed by Chinese companies engaged in local construction projects experience wage irregularities, threats of termination, and other labor rights violations that may be indicative of forced labor. Some Afghan and Bangladeshi citizens are victims of forced labor in Tajikistan, including in the construction industry. Tajikistani nationals may be vulnerable to forced labor in illegal artisanal coal mines located near formalized commercial mining operations. In past years, police have at times used a punitive registry containing the names of LGBTQI+ individuals to blackmail some members of these communities into sex trafficking and forced informant roles. LGBTQI+ individuals are vulnerable to trafficking amid widespread discrimination that often jeopardizes their employment status or prospects in the formal sector and complicates their access to justice. Widespread social stigma and discrimination against LGBTQI+ individuals also compound their vulnerability to family-brokered forced marriages that may feature corollary sex trafficking or forced labor indicators.